

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 2, 2001  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:06 p.m.

Mayor Murphy welcomed and introduced students from Yokohama, Japan as follows: Kota Ibe; Yutaka Taguchi; Shunsuke Tamura; Kentaro Minami; Shiho Inoue; Saori Oka; Ikumi Kaneko; and Miki Sasahana. Mayor Murphy also wished to introduce and welcome their teachers, Masato Nishimoto, Social Study Teacher, and Kaori Fuji, English Teacher. The students were here in San Diego due to an agreement establishing the San Diego Yokohama Sister City Society High School Exchange Program between the San Diego Unified School District and the Board of Education of Yokohama Japan. Mayor Murphy noted that next year in July, San Diego will celebrate its 45<sup>th</sup> anniversary of Sisterhood with the City of Yokohama, Japan. The Mayor and Council Members wished to express their hopes that the student's experience in San Diego will be a memorable one.

The meeting was recessed by Mayor Murphy at 3:40 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 3:50 p.m. with all Council Members present and District 6 vacant. Mayor Murphy adjourned the meeting at 5:20 p.m. into Closed Session at 9:00 a.m. on Tuesday, April 3, 2001, to discuss anticipated and existing litigation.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present

(6) District 6-vacant

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Murphy-present

(1) Council Member Peters-present

(2) Council Member Wear-present

(3) Council Member Atkins-present

(4) Council Member Stevens-present

(5) Council Member Maienschein-present

(6) District 6-vacant

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Pastor Rob Richards of the Horizon Christian Fellowship Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

ITEM-30: LEAD San Diego Day.

**COUNCILMEMBERS PETERS'S AND MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1284) ADOPTED AS RESOLUTION R-294699

Recognizing LEAD San Diego and especially Yvonne Murchinson Finocchiaro for her energy and commitment to leadership development;

Proclaiming April 2, 2001 to be "LEAD San Diego Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-171.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: San Diego Job Corps Day.

(Continued from the meeting of March 19, 2001, Item 31, at the request of the City Manager in order for Councilmember Wear to be present.)

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1203) ADOPTED AS RESOLUTION R-294700

Proclaiming Tuesday, March 20, 2001 as "San Diego Job Corps Day" in appreciation for the enormous contribution the organizations provide youth and the citizens of the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B180-268.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-32: United States Quad Rugby Association, 2001 National Championships Day.

**COUNCILMEMBER ATKINS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1288) ADOPTED AS RESOLUTION R-294701

Recognizing the United States Quad Rugby Association for its efforts in  
organizing and promoting quad rugby, and warmly welcoming the 2001 National  
Championships to San Diego;

Proclaiming April 2, 2001 to be "United States Quad Rugby Association, 2001  
National Championship Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A272-364.)

MOTION BY ATKINS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-33: Ms. Phyllis Marrow Day, Second Annual Dr. Martin Luther King, Jr. Sanitation Workers Award.

**DEPUTY MAYOR STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1294) ADOPTED AS RESOLUTION R-294702

Commending Ms. Phyllis Marrow for her service and dedication to the City of San Diego;

Proclaiming April 2, 2001 to be "Ms. Phyllis Marrow Day" in San Diego in honor of her receipt of the Second Annual City of San Diego Dr. Martin Luther King, Jr. Sanitation Worker Award.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A368-427.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**NON-AGENDA COMMENT:**

**PUBLIC COMMENT-1:**

Comment by Al Strohlein regarding liquor licenses in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A444-494.)



PUBLIC COMMENT-2:

Comment by Don Stillwell regarding spring; baby animals at Wild Animal Park;  
and that today was his 11<sup>th</sup> anniversary speaking before Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A494-534.)

PUBLIC COMMENT-3: **REFERRED TO THE CITY MANAGER**

Comment by Bill Schwenker regarding waste and Arroyo Sorrento Road. Mr.  
Schwenker asked that the City Manager meet with him.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A534-B001.)

PUBLIC COMMENT-4: **REFERRED TO THE CITY MANAGER**

Comment by Murial Adams regarding bicyclists that she feels uses her street as a  
speedway.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B010-030.)

PUBLIC COMMENT-5:

Comment by Lupita Jimenez regarding a petition for movement on the Municipal  
Utility District.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B031-062.)

**PUBLIC COMMENT-6:**

Comment by Dave Thompson regarding “Good Government,” and wishing to express his thanks to Mayor Murphy for caring.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B066-084.)

**PUBLIC COMMENT-7:**

Comment by Zigmund Turoski regarding his concern for residents of the De Anza Community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B087-119.)

**PUBLIC COMMENT-8:**

Comment by Steve McWilliams regarding Medical Cannabis Task Force, Shelter From The Storm, and the use of marijuana for medical purposes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B124-144.)

**PUBLIC COMMENT-9:**

Comment by Ken Loch regarding the authority the Council has in relation to the arts.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B145-192.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Mayor Murphy apologizing that he mispronounced Council Member Peters name, but that he had been blinded by the Duke sticker on his tie. Mayor Murphy stated that for those who went to college at the University of Illinois and Law School at Stanford, and whose teams were unfairly eliminated from the NCWA tournament, it's hard to look at the Duke sticker and not get distracted.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B203-221.)

ITEM-CC-2: **REFERRED TO THE CITY MANAGER**

Comment by Council Member Atkins regarding the undergrounding problem still being delayed which Council did not agree to. Council Member Atkins expressed her concern regarding not being notified, and requested that the City Manager come back to Council with a response.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B224-232.)

ITEM-CC-3:

Comment by Council Member Peters stating it was true his Alma Mater was in the championship game tonight, but that will not keep him from convening his meeting at the Bird Rock Bar and Grill at 6:00 p.m. to 8:00 p.m. to discuss planning and architecture. The following nights will be dealing with traffic regarding La Jolla Blvd., and finally financial issues.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B232-240.)

**ITEM-CC-4: REFERRED TO THE CITY MANAGER**

Comment by Council Member Madaffer regarding energy issues, and stating that probably a year or so from now we can replace the word water, with energy. Council Member Madaffer would like energy and natural gas issues to be heard by Council to help the citizens of San Diego because he feels it is not right.

Council Member Madaffer expressed concern regarding a pit bull running free at an elementary school in his District, and that he feels they can be dangerous animals. Once the pit bull was picked up by Animal Control, they would not give the Police Officers any information. Council Member Madaffer asked the City Manager to look into the issues as it pertains to all schools in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B240-304.)

**ITEM-CC-5:**

Council Member Stevens commented on laws regarding the number of dogs people may own stating the City of El Cajon residents are allowed two dogs, while the City of San Diego residents can have up to six dogs. Council Member Stevens expressed he is working on those issues now, and it will be going to Committee.

Council Member Stevens asked when the issue of De Anza Mobile Park, Mission Bay Park, and the disposition of the land would be heard in Council. Will Griffith stated that the next step is to report back to the Planning Commission as an information item.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B304-349.)

**ITEM-CC-6: REFERRED TO THE CITY ATTORNEY**

Comment by Council Member Inzunza wishing to reiterate Council Member Madaffer's concern regarding the issue of pit bulls or other vicious animals, and to bring that to PS&NS. Council Member Inzunza asked the City Attorney for his opinion regarding the laws.

City Attorney Casey Gwinn stated he would be happy to provide a written background on animals attacks, and that there are a number of laws that do apply. The issue of banning a breed, or regulating a breed of dogs is actually preempted by state law at the present time, but that does not mean that Council cannot advocate for a change in state law.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B350-373; B389-406.)

**ITEM-CC-7:**

Council Member Atkins stated she would be happy to work with Deputy Mayor Stevens and the City Attorney to make sure they have a comprehensive package before they bring the issue of dangerous dogs to Committee.

Mayor Murphy expressed Council Member Peters was concerned about the issue of vicious dogs as well, and that the majority of Council feels they should pursue those concerns. Mayor Murphy wished to urge everyone to do whatever they could regarding these issues.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B406-420; B421-432.)

**CITY MANAGER COMMENT:**

Comment by the City Manager regarding the census, and that preliminary information has been released. There was a memo handed out that summarized the census. San Diego one year ago was 1,223,400 people; there are actually 54,000 people less than was estimated by the State Department of Finance. There

is an opportunity to question the count, and that would be in the summer if Council cared to do so. The City Manager noted that other information included in the census will be presented in the next couple of months regarding housing characteristics, and additional demographic information. That will be available sometime between May and June.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B433-481.)

**CITY ATTORNEY COMMENT:**

City Attorney Casey Gwinn reported that the 4th District Court of Appeals decided unanimously in the City's favor regarding one of the significant cases in the Ballpark Redevelopment project. The issues in that case were interesting, and one of them was challenging the legal authority of the Council to have financing costs beyond the \$225 million in construction costs. The Court ruled unanimously in the City's favor even though that issue has been muted by the Mayor's financing proposal which basically puts the number under \$225 million. Another issue was a challenge to the Financing Ordinance of the ballpark which was enclosed in the Annual Appropriation Ordinance. There was an attempt to overturn that Ordinance by arguing that the City could not appropriate money for a project that they were planning to do based on voter approval. That was found to be a without merit argument as well. The third issue was under Charter Section 225; an argument that somehow the City was obligated to have certain disclosures from the Padres in this private contractual relationship, and Mr. Henderson did not believe the City got the disclosures they needed. The Court talked about the fact that this is a voter approved measure; that the City of San Diego is now implementing step by step; carefully making decisions along the way based on directions by the voters. In the Charter Section 225 argument, the opinion written by Justice Hoffman said this Charter Section does not appear to have been created or adopted to create a private right of action by disgruntled citizens to torpedo voter approved measures with which they disagree. That is really the heart of what we are doing now; to try and implement the will of the voters. Lastly, City Attorney Casey Gwinn noted that totals 13 cases, with 23 separate levels of Courts ruling in the City's favor. No issue has ever been decided against the City at any level, or any case, at anytime.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Tape location: B482-560.)

\* ITEM-50: Barczewski Property Rezoning.

(RZ-99-1087. Pacific Highlands Ranch Subarea III Plan Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/20/2001. (Council voted 6-1. Councilmembers Peters, Atkins, Maienschein, Madaffer, and Inzunza and Mayor Murphy voted yea. Councilmember Stevens voted nay. Councilmember Wear not present. District 6 vacant.):

(O-2001-117) ADOPTED AS ORDINANCE O-18934 (New Series)

Rezoning 26.3 acres, located at 6559 Black Mountain Road south and north of proposed State Route 56 and east and west of Rancho Santa Fe Farms Road, in the Pacific Highlands Ranch Subarea III Plan area, from the AR-1-1 Zone (previously referred to as the A-1-10 Zone) to the RX-1-2 Zone.

FILE LOCATION:

PERM 99-1087 (65)

COUNCIL ACTION:

(Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-51: Kasai Mondeck Property Rezoning.

(RZ-99-1088. Pacific Highlands Ranch Subarea III Community Plan Area. District-1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/20/2001. (Council voted 6-1. Councilmembers Peters, Atkins, Maienschein, Madaffer, and Inzunza and Mayor Murphy voted yea. Councilmember Stevens voted nay. Councilmember Wear not present. District 6 vacant.):

(O-2001-118) ADOPTED AS ORDINANCE O-18935 (New Series)

Rezoning 38.3 acres, located south of proposed State Route 56 and west of Caminito Mendiola in the Pacific Highlands Ranch Subarea III Plan area, from the AR-1-1 zone (previously referred to as the A-1-10 zone) to the RX-1-2 zone.

FILE LOCATION: PERM-99-1088 (65)

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-52: Equipment and Vehicle Financing Program.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 3/20/2001. (Council voted 6 to 1. Councilmembers Peters, Atkins, Stevens, Maienschein, Inzunza and Mayor Murphy voted yea. Councilmember Madaffer voted nay. Councilmember Wear not present. District 6 vacant.):

(O-2001-130) ADOPTED AS ORDINANCE O-18936 (New Series)

Authorizing the City Manager to execute a Master Lease Agreement with Ford Motor Credit Company (Ford) to serve as primary lease provider for the three-year lease term and back-up for the four-year lease term agreements for the purpose of financing the acquisition of equipment through lease-purchase;



Authorizing the City Manager to execute a Master Lease Agreement with Koch Financial Corporation (Koch) to serve as primary lease provider for the four-year lease term and as back-up lease provider for the five-, six-, and seven-year lease term agreements for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing the City Manager to execute a Master Lease Agreement with PB Municipal Funding, Incorporated (PBMF) to serve as a primary lease provider for the five-, six-, and seven-year lease term agreement for the purpose of financing the acquisition of equipment through lease-purchase.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**FILE LOCATION:** PURCHASE

**COUNCIL ACTION:** (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE.. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-100: Two actions related to Amended Subdivision Improvement Agreement and Landscape Maintenance Agreement for Robinhood Ridge Unit No. 2.

(Otay Mesa Community Area. District-8)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1246) ADOPTED AS RESOLUTION R-294703

Authorizing the City Manager to execute an Amendment to Subdivision Improvement Agreement with Robinhood Ridge Master, LLC for the installation and completion of public improvements;

Releasing existing Bond No. 111 3349 3624, issued by the American Insurance Company in the amount of \$3,483,620.

Subitem-B: (R-2001-1247) ADOPTED AS RESOLUTION R-294704

Authorizing the City Manager to terminate the Landscape Maintenance Agreement with Greystone Homes, Inc., in connection with the subdivision;

Authorizing the City Manager to execute a Landscape Maintenance Agreement with Robinhood Ridge Master, LLC to assure maintenance of landscaping.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 2, 2000 per Document No. RR-293873, the City entered into a Subdivision Improvement Agreement with Greystone Homes, Inc., for the construction of public improvements for Robinhood Ridge Unit No. 2. The agreement expires on October 2, 2002. The property is now owned by Robinhood Ridge Master, LLC. The new owner has signed an Amendment to Subdivision Improvement Agreement to assume all of the obligations of the original subdivider and complete the required work. Robinhood Ridge Master, LLC has provided a performance bond for the same amount as the original performance bond (\$3,483,620) to assure the public improvements. Robinhood Ridge Master, LLC is also entering into a Landscape Maintenance Agreement to assume responsibility from Greystone Homes, Inc. No new construction is being approved by this amendment to the Subdivision Improvement Agreement. A Project Traffic Information Tracking Sheet has been prepared. The Amended Agreement is in accordance with Council Policy 600-21. Staff recommends approval.

**FISCAL IMPACT:**

None.

Loveland/Haase/GRB

**FILE LOCATION:** SUBITEMS A & B: SUBD-Robinhood Ridge Unit No. 2  
(40)

**COUNCIL ACTION:** (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-101: Two actions related to Amended Subdivision Agreement and Landscape Maintenance Agreement for Robinhood Ridge Unit No. 3.

(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1248) ADOPTED AS RESOLUTION R-294705

Authorizing an Amendment to Subdivision Improvement Agreement with Robinhood Ridge Master, LLC, for the installation and completion of public improvements;

Releasing existing Bond No. 111-3349-3632, issued by the American Insurance Company in the amount of \$1,416,940.

Subitem-B: (R-2001-1249) ADOPTED AS RESOLUTION R-294706

Authorizing the City Manager to terminate the Landscape Maintenance Agreement with Greystone Homes, Inc., in connection with the subdivision;

Authorizing the execution of a Landscape Maintenance Agreement with Robinhood Ridge Master, LLC, to assure maintenance of landscaping.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 2, 2000 per Document No. RR-293877, the City entered into a Subdivision Improvement Agreement with Greystone Homes, Inc., for the construction of public improvements for Robinhood Ridge Unit No. 3. The agreement expires on October 2, 2002.

The property is now owned by Robinhood Ridge Master, LLC. The new owner has signed an Amendment to Subdivision Improvement Agreement to assume all of the obligations of the original subdivider and complete the required work. Robinhood Ridge Master, LLC has provided a performance bond for the same amount as the original performance bond (\$1,416,940) to assure the public improvements. Robinhood Ridge Master, LLC is also entering into a Landscape Maintenance Agreement to assume responsibility from Greystone Homes, Inc.

No new construction is being approved by this amendment to the Subdivision Improvement Agreement. A Project Traffic Information Tracking Sheet has been prepared. The Amended

Agreement is in accordance with Council Policy 600-21. Staff recommends approval.

**FISCAL IMPACT:**

None.

Loveland/Haase/GRB

**FILE LOCATION:** SUBITEMS A & B: SUBD-Robinhood Ridge Unit No. 3  
(40)

**COUNCIL ACTION:** (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Two actions related to Amended Subdivision Agreement and Landscape Maintenance Agreement for Robinhood Ridge Unit No. 4.

(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1251) ADOPTED AS RESOLUTION R-294707

Authorizing an Amendment to Subdivision Improvement Agreement with Robinhood Ridge Master, LLC, for the installation and completion of public improvements;

Releasing existing Bond No. 111-3349-3640, issued by the American Insurance Company in the amount of \$1,135,979.

Subitem-B: (R-2001-1252) ADOPTED AS RESOLUTION R-294708

Authorizing the City Manager to terminate the Landscape Maintenance Agreement with Greystone Homes, Inc., in connection with the subdivision;

Authorizing the execution of a Landscape Maintenance Agreement with Robinhood Ridge Master, LLC, to assure maintenance of landscaping.

**CITY MANAGER SUPPORTING INFORMATION:**

On October 2, 2000 per Document No. RR-293881, the City entered into a Subdivision Improvement Agreement with Greystone Homes, Inc., for the construction of public improvements for Robinhood Ridge Unit No. 4. The agreement expires on October 2, 2002. The property is now owned by Robinhood Ridge Master, LLC. The new owner has signed an Amendment to Subdivision Improvement Agreement to assume all of the obligations of the original subdivider and complete the required work. Robinhood Ridge Master, LLC has provided a performance bond for the same amount as the original performance bond (\$1,135,979) to assure the public improvements. Robinhood Ridge Master, LLC is also entering into a Landscape Maintenance Agreement to assume responsibility from Greystone Homes, Inc. No new construction is being approved by this amendment to the Subdivision Improvement Agreement. A Project Traffic Information Tracking Sheet has been prepared. The Amended Agreement is in accordance with Council Policy 600-21. Staff recommends approval.

**FISCAL IMPACT:**

None.

Loveland/Haase/GRB

**FILE LOCATION:** SUBITEMS A & B: SUBD-Robinhood Ridge Unit No. 4  
(40)

**COUNCIL ACTION:** (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Sewer, Water, Drainage and Public Utilities Easement Abandonment in Lots 6, 7 and 8 of La Jolla Farms Map No. 3487.

(La Jolla Shores Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1282) ADOPTED AS RESOLUTION R-294709

Vacating the sewer, water, drainage and public utilities easement located within Lots 6, 7 and 8 of Map 3487, as described in the legal description marked Exhibit "A", and as shown on Drawing No. 18912-B marked Exhibit "B".

**CITY MANAGER SUPPORTING INFORMATION:**

This site is located easterly of La Jolla Farms Road. Council is requested to approve the abandonment of a sewer, water, drainage and public utilities easement granted over Lots 6, 7 and 8 of La Jolla Farms Map No. 3487 as shown on Engineering Drawing 18912-B. The easement was acquired at no cost to the City on Map No. 3487 and has never been used for the purpose for which it was granted. There is no present or anticipated future use for the easement. Staff recommends approval of the abandonment.

**FISCAL IMPACT:**

None.

Loveland/Haase/GB

**FILE LOCATION:** DEED F-7988

**COUNCIL ACTION:** (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-104: Grant Applications to the California Department of Park and Recreation.

(Linda Vista, Rancho Bernardo and Centre City Community Areas. Districts-6, 5, and 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1213) ADOPTED AS RESOLUTION R-294710

Approving the submission of the three applications to the California Department of Parks and Recreation for local assistance for the Boys and Girls Club Linda Vista Teen Center, Rancho Bernardo Community Aquatic Center, and the San Diego Maritime Museum;

Certifying that the City understands the assurances and certifications in the grant applications and also certifying that the City has reviewed and understands the General Provisions contained in the Project Contract shown in the Procedural Guide;

Authorizing the City Manager to conduct all negotiations, execute, enter into agreements with non-profit corporations, and submit all documents, including but not limited to applications, agreements, amendments, payment requests, and so on, which may be necessary for the completion of the projects;

Authorizing the City Manager to accept and expend funds in accordance with the grants, if grants are awarded;

Authorizing the Auditor and Comptroller to appropriate and expend funds, providing that an Auditor's Certificate is furnished, demonstrating that the funds for the obligations are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller to establish a separate interest bearing account for each project grant that is awarded.

**CITY MANAGER SUPPORTING INFORMATION:**

On Monday, March 6, 2000, through Resolution R-292812, the Council authorized the City Manager to submit to the State Legislature a list of eighty nine (89) park projects for funding consideration during the FY 2001 State Budget Process. The Legislature and Governor approved seventeen (17) projects for the City of San Diego. The Boys and Girls Club Linda Vista Teen Center, Rancho Bernardo Community Aquatic Center and the San Diego Maritime Museum were included in the City's Notification of Award Letter from the California State Department of Park and Recreation; however, they are not City park projects. In discussions

with the California State Department of Park and Recreation, City staff was informed that if the City sent the projects back to the State, funding could be withdrawn. Staff subsequently met with the California State Department of Park and Recreation and reached an agreement to have the City act as the pass-through agent to ensure the projects are funded. Procedures established by the California Department of Parks and Recreation require the City of San Diego to certify by resolution the approval of applications before submission of said applications to the State.

**FISCAL IMPACT:**

There is no fiscal impact to the City. Grant funds will "pass-through" the City to the non-profit corporations as follows: \$284,000 will go to the Boys & Girls Club Linda Vista Teen Center, \$246,250 will go to the Rancho Bernardo Community Aquatic Center and \$443,250 will go to the San Diego Maritime Museum.

Herring/Cunningham/HLL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-105: Reprogram of Funds: Mission Beach Boardwalk Widening - Phase 1A.

(Mission Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1233) ADOPTED AS RESOLUTION R-294711

Authorizing the reprogram of \$18,000 from CIP-58-002.0, Assessment Districts - TransNet Fund 30300, to CIP-52-533.1, Mission Beach Boardwalk Widening, Phase 1A;



Authorizing the City Auditor and Comptroller to amend the CIP budget by increasing the appropriation of CIP-52-533.1, Mission Beach Boardwalk Widening, Phase 1A, by \$18,000.

**CITY MANAGER SUPPORTING INFORMATION:**

Mission Beach Boardwalk Widening Phase 1A widened Ocean Front Walk from Ventura Place to Santa Barbara Place. The concrete walkway was widened by 9 feet and a 3 foot wide landscaped buffer was provided at the eastern edge of the concrete. The City awarded the construction contract in April 2000 to BRH Garver for \$176,761. During the course of construction, additional funds were needed to cover costs associated with actual work bid quantities, field inspection, and testing services. The total needed to cover this additional work is \$18,000. This project has been completed and is ready for close out.

**FISCAL IMPACT:**

\$18,000 in funding has been identified in Fund 30300, CIP-58-002.0, Assessment Districts. This increase will bring the total cost of the project to \$288,000.

Loveland/Belock/PB

Aud. Cert. 2100974.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C088-116; C133-444.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-106: Carmel Valley Neighborhood Park - Neighborhood #4 - Substitution of Funds.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1276 Cor. Copy) ADOPTED AS RESOLUTION R-294712

Authorizing the City Auditor and Comptroller to de-appropriate \$555,000 in Del Mar Hills/Carmel Valley Park Service District fees, Fund No. 11190, from CIP-29-628.0, Carmel Valley Neighborhood Park - Neighborhood #4, and to return this amount to the fund balance;

Authorizing the City Auditor and Comptroller to appropriate \$555,000 from Carmel Valley North Facilities Benefit Assessment fees, Fund No. 79002, in substitution for Fund No. 11190, for CIP-29-628.0, Carmel Valley Neighborhood Park - Neighborhood #4.

**CITY MANAGER SUPPORTING INFORMATION:**

The Carmel Valley Neighborhood Park in Neighborhood #4 included the design and construction of the joint use facility at the adjacent Ashley Falls Elementary School pursuant to the approved 1981 North City West Schools Master Facilities Plan . In order to meet the Del Mar Union School District's timeline for the opening of the school in the Fall of 1998, the City utilized Park Service District (PSD) fees to supplement the Facilities Benefit Assessment (FBA) fees available at that time. To date, FBA fees have accumulated in excess of projections and are now available to be substituted for the PSD funds originally utilized. This action will allow for the PSD funds to be utilized in the Torrey Pines / Del Mar Terrace area of the community which is not eligible for FBA fee expenditures.

**FISCAL IMPACT:**

Funds in the amount of \$555,000 are available in Carmel Valley Facilities Benefit Assessment fees, Fund No. 79002, and will be used to substitute for Del Mar Hills/Carmel Valley Park Service District fees, Fund No. 11190, utilized on CIP-29-628.0, Carmel Valley Neighborhood Park - Neighborhood #4.

Loveland/McLatchy/DVW

Aud. Cert. 2100996.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Three actions related to Authorizing Suggestion Awards to City Employees.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1271) ADOPTED AS RESOLUTION R-294713

Chris Pollock - Water Utilities Department - \$160

Subitem-B: (R-2001-1272) ADOPTED AS RESOLUTION R-294714

DeVere Brasted - Park and Recreation Department - \$500

Subitem-C: (R-2001-1273) ADOPTED AS RESOLUTION R-294715

Andrew Chavez - Water Utilities Department - \$2,500

FILE LOCATION: SUBITEMS A, B, & C: MEET

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Take Our Sons to Work Day.

**COUNCILMEMBER PETERS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1285) ADOPTED AS RESOLUTION R-294716

Proclaiming May 10, 2001 to be "Take Our Sons to Work Day" and encouraging families to use this special day as an opportunity to discuss the events of the day at home with their family members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-109: Calvary Baptist Church Day.

**DEPUTY MAYOR STEVENS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1270) ADOPTED AS RESOLUTION R-294717

Commending Calvary Baptist Church for 112 years of service and contributions to the City of San Diego;

Proclaiming March 18, 2001 to be "Calvary Baptist Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: Bertha Klann Day.

**COUNCILMEMBER ATKINS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1256) ADOPTED AS RESOLUTION R-294718

Recognizing the many contributions of Bertha Klann to beautify the neighborhood of North Park through her commitment to code enforcement and graffiti paint outs, and her tireless activism which has dramatically improved the quality of life for the residents and business owners of North Park;

Proclaiming March 22, 2001 to be "Bertha Klann Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-111: Excusing Councilmember Ralph Inzunza from the March 21, 2001 Meeting of the Public Safety and Neighborhood Services Committee.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1303) ADOPTED AS RESOLUTION R-294719

Excusing Councilmember Ralph Inzunza from attending the regularly scheduled meeting of the Public Safety and Neighborhood Services Committee on March 21, 2001 due to illness.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-112: City of San Diego Volunteer Month.

(See City Manager Report CMR-01-054.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1242) ADOPTED AS RESOLUTION R-294720

Proclaiming April 2001 to be "City of San Diego Volunteer Month" to honor City of San Diego volunteers and recognize their accomplishments.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-113: San Diego Climate Wise Partners Day.

(See City Manager Report CMR-01-059.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1228 Cor. Copy) ADOPTED AS RESOLUTION R-294721

Recognizing the contributions of the San Diego Climate Wise Business Partners to saving energy and improving the environment for the City of San Diego and its

citizens, and proclaiming April 2, 2001 as "San Diego Climate Wise Partners Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-114: Angle Parking on 30<sup>th</sup> Street.

(Greater Golden Hill Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1244) ADOPTED AS RESOLUTION R-294722

Approving angle parking on the west side of 30<sup>th</sup> Street between Ivy Street and Juniper Street, pursuant to San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

**CITY MANAGER SUPPORTING INFORMATION:**

This action permits angle parking on the west side of 30th Street between Ivy Street and Juniper Street. Currently, there is parallel parking in this segment. This action will provide 5 additional parking spaces. Council approval is required according to Municipal Code Section 86.03. A petition representing all six of the abutting property owners was submitted in support of this action. The Greater Golden Hill Planning Committee supports this action.

**FISCAL IMPACT:**

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-115: Cal-ID Agreement between the City and County of San Diego.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1231) ADOPTED AS RESOLUTION R-294723

Authorizing the City Manager to enter into and execute an agreement with the County of San Diego to participate in Cal-ID/RAN system for a term of five years from July 1, 2000 through June 30, 2005, and provide all appropriate costs for the system subject to annual appropriation of funds by the San Diego City Council.



**CITY MANAGER SUPPORTING INFORMATION:**

In 1987 the City of San Diego entered into an agreement with the County of San Diego and the State of California to participate in a Fingerprint Identification System entitled Cal-ID. Resolution R-269704, dated November 9, 1987, was approved by City Council, thereby establishing an agreement with the San Diego County Sheriff's Department to administer the program. The system has been in place since that date and has proven effective as an automated system that identifies suspects from fingerprints left at the crime scene and identifies arrestees at the time of booking. The last agreement for the continuation of the program was dated November 20, 1995, Resolution R-286586, certification #9600451. The proposed action authorizes the City Manager to enter into and execute an agreement with the County of San

Diego to continue participation in the Cal-ID system for a five-year period, effective July 1, 2000.

**FISCAL IMPACT:**

In Fiscal Year 2001, the cost to the City is anticipated to be \$307,065, of which \$94,210 is direct personnel costs for two Cal-ID Technicians, and \$7,227 is direct costs for training and communication lines. These direct costs to the City are deducted from its share of the Program's total costs, \$307,065, for a net cost to the City, at fiscal year end, of approximately \$205,628. All costs associated with the Cal-ID Program are annually distributed by a formula and recalculated on a yearly basis, over the course of the five-year agreement. The City's updated population and crime index figures will determine the City's share of costs each year. The cost of the Cal-ID Technicians, communication line cost and the training costs will also be updated each year and deducted as direct costs, incurred by the City, to operate the program.

Uberuaga/Bejarano/JLF

Aud. Cert. 2100909.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-116: Office Space Lease Amendment - San Diego Friends of Legal Aid.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1286) ADOPTED AS RESOLUTION R-294724

Authorizing the City Manager to execute a Second Amendment to Lease with San Diego Friends of Legal Aid;

Declaring that the total annual rent paid to the City for the first year will be \$7,612.56 which shall be deposited into the General Fund 100.

**CITY MANAGER SUPPORTING INFORMATION:**

San Diego Friends of Legal Aid have been leasing space from the City in the Crabtree Building, located at 303 A Street, Suite 310, since April 1, 1998. The space leased consists of approximately 685 rentable square feet. The tenant will be leasing the space under the following basic lease terms:

**TERM** - For one (1) year commencing April 1, 2001 and terminating March 31, 2002.

**RENT** - \$634.38 per month or approximately \$0.93 per square foot. The rental rate is at market value compared to similar space in the downtown area. The base rent shall be adjusted annually by a fixed 5% increase.

**USE** - General office usage.

**SIZE** - 685 square feet.

**FISCAL IMPACT:**

\$7,612.56 will be deposited into the General Fund 100 for the first year of this lease.

Herring/Griffith/DCM

FILE LOCATION: LEAS-San Diego Friends of Legal Aid

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-117: Ratification of North Park PAC Election - Conducted on February 10, 2001.

(See City Manager Report CMR-01-060.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1223 Cor. Copy) ADOPTED AS RESOLUTION R-294725

Ratifying the Election results of February 10, 2001, for the Project Area Committee for the North Park Redevelopment Project Area;

Authorizing the extension of the Project Area Committee for one year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-118: Proposed Federal Legislative Priorities for 2001.

(See Intergovernmental Relations Department Report IRD-01-03 and memorandum from J. Brent Eidson dated 3/21/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1301) ADOPTED AS RESOLUTION R-294726

Supporting the Federal Legislative proposals outlined in Intergovernmental Relations Department Report IRD-01-03, dated March 21, 2001, as amended by Acting Director J. Brent Eidson's memorandum dated March 21, 2001.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 3/21/2001, RULES voted 4 to 0 to approve and forward the proposals to the City Council as outlined in Intergovernmental Relations Department Report IRD-01-03, amended by J. Brent Eidson's March 21, 2001 memo. (Councilmembers Atkins, Stevens, and Madaffer and Mayor Murphy voted yea. Councilmember Wear not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B563-C084.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Deputy Mayor Stevens' proposal to discontinue the City's use of the term "minorities" to describe different ethnic groups.

(See memorandum from Deputy Mayor Stevens dated 3/7/2001. )

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1300) ADOPTED AS RESOLUTION R-294727

Stating that all citizens of the United States, regardless of ethnicity, are Americans, and that the use of the term “minorities” to identify ethnic groups yields perceived implications of being inferior or less than;

Discontinue the use of the term “minority” in reference to any citizen or ethnic group.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE’S  
RECOMMENDATION:**

On 3/21/2001 RULES voted 4 to 0 to approve Deputy Mayor Stevens’s proposal.  
(Councilmembers Atkins, Madaffer, Deputy Mayor Stevens and Mayor Murphy voted yea.  
Councilmember Wear not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C453-E032.)

MOTION BY STEVENS TO ADOPT THE RESOLUTION AND TO READ INTO THE RECORD AS FOLLOWS:

WHEREAS, CERTAIN REFERENCES TO AFRICAN AMERICANS, LATINOS, ASIAN AMERICANS, AND NATIVE AMERICANS AS “MINORITIES” HAVE BEEN CONVEYED AS NEGATIVE CONNOTATIONS THAT IMPLY INFERIORITY AND INEQUITY AMONG AMERICANS; AND WHEREAS, THE CITY OF SAN DIEGO CELEBRATES THE RICH HISTORY OF ALL AMERICANS, AND ACKNOWLEDGES THE POSITIVE CONTRIBUTIONS TO AMERICAN SOCIETY THAT ALL ETHNIC GROUPS HAVE MADE; AND WHEREAS, THE CITY OF SAN DIEGO SUPPORTS BUILDING COMMUNITIES WHERE FAIRNESS AND EQUALITY OF OPPORTUNITY ARE UPHELD; NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF SAN DIEGO THAT THIS COUNCIL, FOR AND ON BEHALF OF THE PEOPLE OF SAN DIEGO, DOES HEREBY STATE THAT ALL CITIZENS OF THE UNITED STATES, REGARDLESS OF ETHNICITY, ARE AMERICANS, AND THAT THE USE OF THE TERM

“MINORITIES” TO IDENTIFY ETHNIC GROUPS YIELDS PERCEIVED IMPLICATIONS OF BEING INFERIOR OR LESS THAN. BE IT FURTHER RESOLVED, THAT THE CITY OF SAN DIEGO DISCONTINUE THE USE OF THE TERM “MINORITY” IN REFERENCE TO ANY CITIZEN OR ETHNIC GROUP.

Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Ethics Commission Proposal.

(Continued from the meeting of 3/19/2001, Item 151, at the request of Mayor Murphy for further discussion with direction to all Council members to write specific amendments in memorandum form and circulate the memorandum in advance to all Council members by Wednesday, March 28, 2001.)

(See Memorandum from Bill Baber, Rules Committee Consultant, dated 3/12/2001; City Attorney Report dated 3/2/2001.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2001-129) **REFERRED TO RULES COMMITTEE**

Introduction of an Ordinance amending Chapter II, Article 6 of the San Diego Municipal Code by adding Division 4, titled “Ethics Commission,” and by adding Sections 26.0401 to 26.0415, relating to the City of San Diego Ethics Commission.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE’S RECOMMENDATION:**

On 3/7/2001 RULES voted 5-0 to approve the version of the Ordinance submitted with the City Attorney’s 3/2/2001 report. (Councilmembers Wear, Atkins, Stevens, and Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B567-572.)

MOTION BY INZUNZA TO REFER THIS ITEM TO THE RULES COMMITTEE AT THE REQUEST OF MAYOR MURPHY FOR FURTHER HEARINGS. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Easement Grant - San Diego Gas & Electric Company - Penasquitos Trunk Sewer Pump Station.

(Scripps Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1278) RETURNED TO THE CITY MANAGER

Authorizing the City Manager to execute an easement deed to San Diego Gas & Electric Company, for the purpose of constructing, repairing, maintaining and using underground and overhead facilities and appurtenances for the transmission of electricity, affecting portions of the Southeast Quarter of the Northeast Quarter, the Northwest Quarter of the Southeast Quarter, and Lot 2, all the portions of Section 20, Township 14 South, Range 2 West, San Bernardino Meridian.

**CITY MANAGER SUPPORTING INFORMATION:**

The City constructed the Penasquitos Trunk Sewer Relief Pump Station in 1997. In order to provide the electrical service necessary to operate this station, San Diego Gas & Electric Company (SDG&E) has constructed underground and overhead electrical facilities. The SDG&E facilities require two easements, both of which are included in this action. The underground easement provides primary power to the Pump Station. It is approximately 2,700 feet long, 10 feet wide, and includes approximately 27,000 square feet. The overhead easement provides for redundant (backup) electrical power to the Pump Station, as required by the City for safety reasons.

It is an extension of an existing transmission line, and is limited to distribution wires and one pole. The easement is 316 feet long, 12 feet wide for the pole and wires, and 30 feet long and 4 feet wide for the anchorage, totaling approximately 3,912 square feet. All construction was completed in 1997, and this easement will provide access for required future maintenance and repair of the distribution lines and pole. The Pump Station is located within the Los Penasquitos Canyon Preserve, but it is located on 6.82 acres specifically acquired for its site. The balance of the acreage is Open Space. The underground SDG&E facilities and the pole and anchorage are entirely within the area set aside for the Pump Station. The wires cross over the Open Space area separating the existing pole line and the Pump Station. Since these easements are necessary to provide primary and redundant electric service exclusively to a City facility, there will be no charge to SDG&E.

**FISCAL IMPACT:**

None.

Herring/Griffith/ACG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B573-584.)

MOTION BY MAIENSCHIN TO RETURN THIS ITEM AT THE REQUEST OF THE CITY MANAGER FOR FURTHER REVIEW. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Sale of City Property - NEC Scripps Poway Parkway/Freeway 15.

(Scripps Ranch Community Area. District-5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1281) CONTINUED TO MONDAY, APRIL 30, 2001

Authorizing the sale of 0.5944 acres or 25,892 square feet owned by the City of San Diego to Shea Homes for the amount of \$240,000;



Authorizing the execution of a quitclaim deed, granting to Shea Homes a portion of Section 20, Township 14 South, Range 2 West.

**CITY MANAGER SUPPORTING INFORMATION:**

The City acquired a surplus parcel through a state relinquishment at the northeast corner of Freeway 15 and Scripps Poway Parkway. The parcel is improved with a paved road which provides access to the open space area to the north. Shea Homes is developing the area to the east of the City parcel, and has filled and sloped the subject to support a level pad necessary to build a hotel. The parcel in question is not independently developable, as is, due to its irregular, elongated shape, and steep slope. The adjacent Shea Homes development, however, if allowed to incorporate the subject parcel, will raise its value from nominal to \$240,000 by virtue of its contribution to the new development. The City's access road will not be affected by the sale. Shea Homes executed a Right of Entry Permit in May 2000 to allow grading to proceed on the development, and as a term of the Permit, agreed to purchase the portion of City land affected by the grading for \$240,000 cash. The parcel to be purchased by Shea homes contains 0.5944 acres or 25,892 square feet. The fair market value of the sale parcel is \$240,000, as determined by the City Valuation Staff.

**FISCAL IMPACT:**

The amount of \$240,000 will be deposited into Capital Outlay Fund 302453.

Herring/Griffith/ACG

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B584-590.)

MOTION BY MAIENSCHIEIN TO CONTINUE THIS ITEM TO MONDAY, APRIL 30, 2001, AT THE REQUEST OF THE CITY MANAGER TO ADDRESS CONCERNS ABOUT BIKE LANES, AND WHETHER OR NOT THIS PROPERTY COULD BE USED IN A DIFFERENT MANNER. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Regional Planning Funding Support.

**CITY MANAGER'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2001-131) INTRODUCED, ADOPTED AS ORDINANCE O-18937  
(New Series)

Introduction and adoption of an Ordinance amending Ordinance O-18827 adopting the annual budget for the fiscal year 2000-2001 and appropriating the necessary money to operate the City of San Diego for the fiscal year by increasing the Planning Department's General Fund budget by \$50,000.

**NOTE:** This ordinance will take effect immediately upon its passage after 2 public hearings pursuant to sections 16, 17, and 71 of the City Charter. Today's action is the second public hearing and the introduction and adoption of the ordinance. The first public hearing was held on 3/27/2001, Item S402b.

**CITY MANAGER SUPPORTING INFORMATION:**

In his 2001 State of the City address, Mayor Dick Murphy outlined ten goals to improve the state of the City in the next four years. Goal five addressed restructuring of regional government. The proposed funding transfer will allow staff to support current efforts to develop a more efficient and effective form of regional governance.

**FISCAL IMPACT:**

This action would make \$50,000 available to the Planning Department to support ongoing regional governance efforts.

Ewell/Goldberg/DVB

Aud. Cert. 2101016.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: C115-117.)

CONSENT MOTION BY WEAR TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision

Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Rancho La Cresta Unit No. 1  
Rancho La Cresta Unit No. 2  
Rancho La Cresta Unit No. 4

COMMUNITY AREA

Scripps Miramar Ranch  
Scripps Miramar Ranch  
Scripps Miramar Ranch

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

NON-DOCKET ITEMS:

NONE.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 5:20 p.m. in honor of the memory of:

R. J. Benoit as requested by Council Member Madaffer.

FILE LOCATION:      AGENDA

COUNCIL ACTION:      (Tape location: E050.)